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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,292	12/10/2001	Laurence E. Holt	1044.012US1	8482
23441	7590	12/28/2004	EXAMINER	
LAW OFFICES OF MICHAEL DRYJA 704 228TH AVENUE NE PMB 694 SAMMAMISH, WA 98074			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 09/683,292	Applicant(s) HOLT, LAURENCE E.	
	Examiner John L Young	Art Unit 3622	

All participants (applicant, applicant's representative, PTO personnel):

(1) John L Young. (3) _____

(2) Michael Dryja. (4) _____

Date of Interview: 15 December 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 11.

Identification of prior art discussed: Ferguson 5,819,092.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

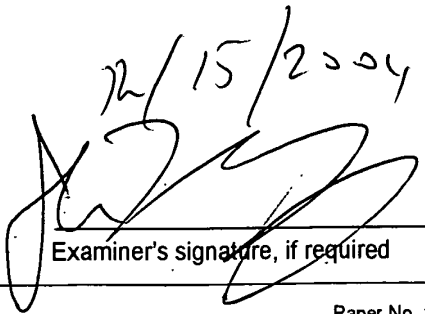
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

12/15/2004

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative inquired about the formal vs. informal status of the submitted drawings in this application. The Examiner explained that the review process for drawings that are included with applications has been changed and the drawings are usually not reviewed until the application is in or near condition for allowance. Applicant's representative inquired about the not considered status of information disclosure statements submitted with the application. The Examiner indicated that no 1449 forms are on file with this application and requested that copies of any original completed 1449 forms be resubmitted with proof of prior mailing. As to the 35 USC 103 rejection, Applicant's representative explained that the point of novelty in the claims is at least found in the last two lines of claim 1 which read: "wherein the user is paid for access to the desired second sub-set of the personal information regarding the user without the user having to perform any action." Applicant's representative argued that in essence, the user is paid for any and each additional access to the desired second sub-set of the personal information without the user having to perform any additional action or actions; Applicant's representative also indicated that the prior Office action failed to discuss or provide any analysis concerning this element. The Examiner advises that Applicant's representative submit a formal request for reconsideration specifically discussing the element of "wherein the user is paid for access to the desired second sub-set of the personal information regarding the user without the user having to perform any action. . . ." and the Examiner advises that Applicant's representative remind the Examiner of the discussions involved in this phone interview today. Upon receipt of such request for reconsideration, the Examiner must conduct an additional prior art search. Depending on the result of such search and filing of the next Office action, the Examiner advises that Applicant may want to consider amending that claimed element slightly to be sure that it's clear that no additional action or actions are required other than just accessing, in order for the user to be paid. (Note: See attached email correspondence from Applicant's representative concerning this phone interview).

Young, John

From: Michael Dryja [mike@dryjapat.com]
Sent: Wednesday, December 15, 2004 2:07 PM
To: Young, John
Subject: FW: Itinerary for 09/683,292 Phone Interview

Importance: High

John, a reminder that we have an Examiner interview scheduled for right now. Please see the 1-800 conference call directions below. I'm already in the conference.

-----Original Message-----

From: Michael Dryja [mailto:mike@dryjapat.com]
Sent: Sunday, December 12, 2004 10:39 PM
To: 'Young, John'
Cc: 'Laurence Holt'; mike@dryjapat.com; 'Stamber, Eric'
Subject: Itinerary for 09/683,292 Phone Interview
Importance: High

Hi John --

Here is the itinerary for the phone interview. Please see below for instructions on how to dial into the conference.

1) Claim 11 is limited to "wherein the user is paid for access to the desired second sub-set of the personal information regarding the user WITHOUT THE USER HAVING TO PERFORM ANY ACTION." Neither the inventor nor I could find reference in the Final Office Action as to how Ferguson renders this limitation obvious. Indeed, on page 5 of the action, it appears that Ferguson teaches away: "modification and interpretation of the cited disclosure of Ferguson would have provided means where 'A USER MAY BE PAID FOR CERTAIN ACTIONS' based on the motivation to modify Ferguson so as "a user may be paid when that user fills out a marketing questionnaire." Therefore, I'd like to discuss how we should proceed from here; for instance, do you want to allow the claimed invention, or do you want to rescind the previous Final Office Action and issue a new one, or ?

2) In the previous office action response, I had indicated that we believe the drawings are indeed formal, not informal, and denoted that perhaps the electronic filing of the patent application contributed to confusion leading to your belief that the drawings are informal. However, in the Final Office Action, you again indicated that the drawings are informal. We are not certain, though, why the drawings are informal. Therefore, I'd like to discuss why you think the drawings are informal.

3) The Information Disclosure Statements filed on January 7, 2002, and April 2, 2002, were not considered because you indicated that the Forms 1449 were not in the file. I'd like to discuss what we should do to get the cited prior art before you for proper consideration. Insofar as we did file the IDS's, and the USPTO indicated their receipt, it appears that the loss of the Forms 1449 submitted in conjunction therewith are the USPTO's fault, and not Applicant's. Therefore, is it a simple case of me just faxing you the Forms 1449 and the prior art?

If you think that simple answers would suffice in answers to these topics of discussion, go ahead and let me know via return email, and perhaps a phone interview won't be necessary.

However, should an interview still be appropriate, at 2 pm on Wed, Dec, 15,

please dial 1-800-820-4690 to enter the phone conference. The conference entry code is 7086789. This is necessary because you, me, and the inventor are all in three different locations.

Thanks!

- Mike.

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704 228th Ave NE PMB 694
Sammamish, WA 98074
voice 425.427.5094
fax 425.563.2098
alternate fax 206.374.2819
mike@dryjapat.com
www.dryjapat.com

-----Original Message-----

From: Young, John [mailto:John.Young@USPTO.GOV]
Sent: Friday, December 10, 2004 12:13 PM
To: mike@dryjapat.com
Subject: RE: 09/683,292 Phone Interview

Mr. Dryja

I have scheduled you on my calendar for a phone interview at 2 p.m. on Wednesday, December 15, 2004 concerning application 09/683,292 (425) 427-5094.

JLY

-----Original Message-----

From: Michael Dryja [mailto:mike@dryjapat.com]
Sent: Friday, December 10, 2004 2:56 PM
To: Young, John
Cc: mike@dryjapat.com; Stamber, Eric
Subject: RE: 09/683,292 Phone Interview

Thanks John!

Let's say 2 pm your time on 12/15. I will fax you the proposed itinerary, and calling instructions for the teleconference number, over the weekend.

- Mike.

-----Original Message-----

From: Young, John [mailto:John.Young@USPTO.GOV]
Sent: Friday, December 10, 2004 4:10 AM
To: MIKE@DRYJAPAT.COM
Cc: Stamber, Eric
Subject: 09/683,292 Phone Interview

Mr. Dryja,

In response to your phone inquiry, I will be available for a phone interview concerning application 09/683,292 on Wednesday, December 15, 2004 in the afternoon. My unofficial fax number is 703 308 3691.

John L. Young
703 305 3801